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International Traffic in Arms



REGULATIONS

ISSUED ON JUNE 2, 1942 BY THE SECRETARY
OF STATE, GOVERNING REGISTRATION AND
LICENSING UNDER SECTION 12 OF THE JOINT
RESOLUTION APPROVED NOVEMBER 4, 1939
AND RELATED LAWS

Eighth Edition



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INTRODUCTORY STATEMENT

The regulations contained in this pamphlet were issued by the Secretary of State and were published in the Federal Register of June 4, 1942 (7 F.R. 4216). They supersede, as of June 2, 1942, all previous regulations administered by him governing the international traffic in arms, ammunition, and implements of war and other munitions of war. The authorities for these regulations are cited in the preamble to each part; the several texts of such authorities are printed in the appendix.

REGULATIONS

REGULATIONS REGARDING THE REGISTRATION OF MANUFACTURERS, IMPORTERS, AND EXPORTERS OF ARMS, AMMUNITION, AND IMPLEMENTS OF WAR; LICENSING OF IMPORTS AND EXPORTS OF ARMS, AMMUNITION, AND IMPLEMENTS OF WAR

PART 201—INTERNATIONAL TRAFFIC IN ARMS, AMMUNITION, AND IMPLEMENTS OF WAR¹

Pursuant to the authority vested in the Secretary of State by section 12 of the joint resolution approved November 4, 1939 (54 Stat. 10; 22 U.S.C. 452),² sections 1 and 2 of the joint resolution approved January 31, 1922 (42 Stat. 361; 22 U.S.C. 409, 410),³ and proclamations issued pursuant thereto, the regulations governing the international traffic in arms, ammunition, and implements of war, heretofore promulgated by him, are hereby superseded by the following regulations:

SEC.

- 201.1 Application for registration.
- 201.2 Registration fee.
- 201.3 Certificate of registration.
- 201.4 Notification of changes regarding application for registration.
- 201.5 Certain component parts requiring registration.
- 201.6 forgings, castings, and machined bodies.
- 201.7 Production for experimental or scientific purposes.
- 201.8 Persons who may make or receive occasional shipments.
- 201.9 National Firearms Act ; Federal Firearms Act ; Federal Explosives Act.
- 201.10 Applications for licenses.
- 201.11 Import licenses.
- 201.12 Export licenses.
- 201.13 Licenses not transferable.
- 201.14 Alterations.

¹As set forth under tit. 22, ch. I, subch. D, of the Code of Federal Regulations.

²For text, see appendix, *post*, p. 31.

³For text, see appendix, *post*, p. 39.

SEC.

- 201.15 Revoked licenses.
- 201.16 Country of ultimate destination.
- 201.17 Shipper's export declaration.
- 201.18 Type and model designation.
- 201.19 Presentation of licenses to collector of customs.
- 201.20 Export-license material to be packed separately.
- 201.21 Licenses for shipments by parcel post.
- 201.22 Article in transit through the territory of the United States.
- 201.23 Application for export or import licenses on behalf of persons who are not required to register.
- 201.24 Arms more than 100 years old.
- 201.25 Arms for the individual use of the person to whom consigned.
- 201.26 Arms for sporting or scientific purposes; arms carried on person or in baggage.
- 201.27 Arms, ammunition, etc., intended for official use.
- 201.28 Arms returned to the United States worn or damaged.
- 201.29 Articles removed from and to contiguous territory for testing.
- 201.30 Lend-lease shipments.
- 201.31 Certain component parts requiring license.
- 201.32 Articles under category I (5) filled with non-lethal gas or fluid.
- 201.33 "Propellant powders", "potassium nitrate powders", "sodium nitrate powders".
- 201.34 Aircraft flown or shipped from the United States for a temporary sojourn abroad.
- 201.35 Customs clearance for aircraft.
- 201.36 Records of manufacture, exportation, and importation.
- 201.37 Exportation of arms to China, Honduras, and Nicaragua.
- 201.38 Exportation of arms to Cuba.
- 201.39 Exporter to present convincing evidence of destination.
- 201.40 Responsibility for notification.

§ 201.1 *Application for registration.* All persons engaged in the business of manufacturing, exporting, or importing any of the arms, ammunition, or implements of war enumerated in the President's Proclamation 2549 of April 9, 1942 (7 F.R. 2769),⁴ shall register with the Secretary of State by duly filling out and transmitting to the Secretary of State an application for registration on form DE-R4, requests for which should be addressed to the Secretary of State. Applications for registration must be signed and sworn to in the presence of a notary public before they are transmitted to the Secretary of State.

⁴ For text of this proclamation, see appendix, *post*, p. 35.

§ 201.2 *Registration fee.* Applications for registration transmitted to the Secretary of State must be accompanied by a registration fee of \$100 in the form of a money order or a certified check.

§ 201.3 *Certificate of registration.* Upon the receipt of an application for registration, accompanied by a registration fee of \$100, the Secretary of State will issue to the applicant, as a receipt, a certificate of registration (form DE-C4), duly signed and sealed.

§ 201.4 *Notification of changes regarding application for registration.* Every person registered shall notify the Secretary of State of any change in the information set forth in his application for registration. If the change involves a revision of the list of arms, ammunition, and implements of war which he manufactures, exports, or imports, or a change of name, such registered person shall submit a new application on form DE-R4 (see § 201.1) for an amended certificate of registration including this information. Upon the receipt of a duly executed application therefor, the Secretary of State will issue to such person, free of charge, an amended certificate of registration which will remain valid until the date of the expiration of his original certificate.

§ 201.5 *Certain component parts requiring registration.* Manufacturers, exporters, and importers of component parts of the articles or units enumerated in the President's Proclamation 2549 of April 9, 1942, but not of a complete article or unit listed in that proclamation, are not required to register under the joint resolution. Aircraft wheels and aircraft propeller blades are, however, considered as constituting to such an unusual degree the main body of aircraft under-carriage units and aircraft propellers that the manufacture, exportation, or importation of such wheels or blades alone is held to subject the manufacturer, exporter, or importer to the requirement of registration.

§ 201.6 *Forgings, castings, and machined bodies.* forgings, castings, and machined bodies for any of the arms, ammunition, or implements of war enumerated in the President's Proclamation 2549 of April 9, 1942, which have reached such a stage in manufacture that they are clearly identifiable as articles enumerated in the proclamation, substantially entire, but in unfinished form, are considered to constitute arms, ammunition,

or implements of war for the purposes of section 12 of the joint resolution.

§ 201.7 *Production for experimental or scientific purposes.* The production for experimental or scientific purposes, when such production is not followed by sale, of the appliances and substances included in category VI of the President's Proclamation 2549 of April 9, 1942, or of single units of other arms, ammunition, and implements of war, is not considered as manufacture for the purposes of section 12 of the joint resolution.

§ 201.8 *Persons who may make or receive occasional shipments.* Persons who are not engaged in the business of exporting or importing arms, ammunition, or implements of war, but who, either for their own personal use or as forwarding agents for persons who are engaged in this business, or, in exceptional circumstances, in other capacities, may make or receive occasional shipments of such articles, will not be considered as exporters or importers of arms, ammunition, and implements of war within the meaning of section 12 of the joint resolution. Licenses for such shipments must, however, be obtained in accordance with the provisions of § 201.23.

§ 201.9 *National Firearms Act; Federal Firearms Act; Federal Explosives Act.* The provisions of these regulations shall be considered as binding, in addition to, and not in lieu of, those established under the provisions of the National Firearms Act, approved by the President June 26, 1934 (48 Stat. 1236; 26 U.S.C. ch. 25), as amended February 10, 1939 (53 Stat., pt. 1, ch. 25; 26 U.S.C. ch. 25); under the provisions of the Federal Firearms Act, approved by the President June 30, 1938 (52 Stat. 1250; 15 U.S.C. ch. 18); and under the provisions of the Federal Explosives Act, approved by the President October 6, 1917 (40 Stat. 385; 50 U.S.C. ch. 8), as amended December 26, 1941 (55 Stat. 863; 50 U.S.C. ch. 8). The National Firearms Act imposes certain taxes upon manufacturers, importers, and dealers in certain firearms and taxes upon transfers of certain firearms. The term "firearm", as used in this act, includes "a shotgun or rifle having a barrel of less than eighteen inches in length, or any other weapon, except a pistol or revolver, from which a shot is discharged by an explosive if such weapon is capable of being concealed on the person, or a machine gun, and includes

a muffler or silencer for any firearm whether or not such firearm is included within the foregoing definition, but does not include any rifle which is within the foregoing provisions solely by reason of the length of its barrel if the caliber of such rifle is .22 or smaller and if its barrel is sixteen inches or more in length". The Federal Firearms Act applies to manufacturers and dealers who are engaged in interstate or foreign commerce in firearms and ammunition. The term "firearm", as used in this act, means "any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosive and a firearm muffler or firearm silencer, or any part or parts of such weapon"; and the term "ammunition" includes "all pistol or revolver ammunition except .22-caliber rim-fire ammunition". The Federal Explosives Act is applicable to the manufacture, distribution, storage, use, and possession of explosives in time of war. The term "explosives", as used in this act, means "gunpowders, powders used for blasting, all forms of high explosives, blasting materials, fuzes (other than electric circuit breakers), detonators, and other detonating agents, smokeless powders, and any chemical compounds or mechanical mixture that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities, or packing that ignition by fire, by friction, by concussion, by percussion, or by detonation of the compound or mixture or any part thereof may cause an explosion". Rules and regulations for the enforcement of the National Firearms Act and the Federal Firearms Act are prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Rules and regulations for the enforcement of the Federal Explosives Act are prescribed by the Director of the Bureau of Mines, Department of the Interior.

§ 201.10 *Applications for licenses.*⁵ No person shall export or import any arms, ammunition, or implements of war except when such exportation or importation is authorized by a license issued by the Secretary of State. Forms of application for

⁵ Applications for export licenses for articles not enumerated in the proclamation of April 9, 1942 (see appendix, *post*, p. 35) as arms, ammunition, and implements of war should be made to the Office of Exports, Board of Economic Warfare, Washington, D.C.

export licenses or for import licenses will be furnished by the Secretary of State to appropriately registered persons upon request.

§ 201.11 *Import licenses.* The Secretary of State will issue import licenses to appropriately registered applicants upon the presentation of applications for license, properly executed: *Provided*, That, in case the articles to be imported are firearms as enumerated in the National Firearms Act, or firearms or ammunition as enumerated in the Federal Firearms Act, both of which acts are referred to under § 201.9, the importer has conformed to the pertinent regulations prescribed by the Secretary of the Treasury. With reference to explosives, see the regulations issued under the Federal Explosives Act by the Director of the Bureau of Mines, Department of the Interior (32 CFR 301.3 (b) (2); 7 F.R. 306), referred to in § 201.9.

§ 201.12 *Export licenses.* The Secretary of State will issue export licenses to appropriately registered applicants upon the presentation of applications for license, properly executed, unless the exportation of arms, ammunition, or implements of war for which a license is applied for would be in violation of a law of the United States or of a treaty to which the United States is a party (see §§ 201.37-201.40 and part 204): *Provided, however*, That export licenses shall not be issued in any case when it shall have been determined under the authority of the President, in accordance with the provisions of section 6 of the act of Congress approved July 2, 1940 (54 Stat. 714; 50 U.S.C., app. 701), that the proposed shipment would be contrary to the interest of the national defense.

§ 201.13 *Licenses not transferable.* Export and import licenses are not transferable and are subject to revocation without notice. If not revoked, licenses are valid for one year from the date of issuance, and shipments thereunder may be made through any port of exit or entry in the United States. The naming of the proposed port of exit under paragraph 3 of the application for export license or the proposed port of entry under paragraph 3 of the application for import license does not preclude shipment through another port if the arrangements made by the exporter or importer are altered subsequent to the issuance of the license.

§ 201.14 *Alterations.* No alterations may be made except by the Department of State, or by collectors of customs or postmasters acting under the specific instructions of the Department of State, in export or import licenses which have been issued under the seal of the Department of State.

§ 201.15 *Revoked licenses.* Export or import licenses which have been revoked or which have expired must be returned immediately to the Secretary of State.

§ 201.16 *Country of ultimate destination.* The country designated on the application for license to export as the country of destination should, in each case, be the country of ultimate destination. If the goods to be exported are consigned to one country, with the intention that they be transshipped thence to another country, the latter country should be named as the country of destination. If the country of ultimate destination cannot be ascertained at the time the application for export license is made, the country of initial destination may be named on the application as the country of destination. In such a case, however, the facts must be clearly explained and the Secretary of State must be informed of the ultimate destination by the exporter as soon as the latter has learned the country of ultimate destination of the shipment. The Secretary of State may refuse to grant an application for an export license until he is informed of the country of ultimate destination in order that he may assure himself that the license may be legally issued.

§ 201.17 *Shipper's export declaration.* The shipper's export declaration (customs form 7525) covering arms, ammunition, or implements of war for which an export license is required must contain the same information in regard to the nature and the value of the articles to be exported as that which appears on the application for license. If the person designated on the export declaration as the actual shipper of the goods is not the person to whom the export license has been issued by the Secretary of State, the name of this shipper should appear on the export license as that of the consignor in the United States.

§ 201.18 *Type and model designation.* Applications for license to export arms, ammunition, and implements of war should state, whenever possible, the type and model designation of the article to be exported in order that the Secretary of State may

determine, before issuing the license, that the provisions of part 204 of these regulations would not be violated by the exportation of the article in question. If an application is submitted in which the articles to be exported are inadequately designated, it will be returned to the applicant for completion in this respect.

§ 201.19 *Presentation of licenses to collector of customs.* The originals of licenses for the exportation and the importation of arms, ammunition, and implements of war must be presented to the collector of customs at the port through which the shipment authorized by the license is being made. Export and import licenses covering arms, ammunition, and implements of war must be filed with the appropriate collector of customs before the exportation or importation is made.

§ 201.20 *Export-license material to be packed separately.* Arms, ammunition, and implements of war must, when exported, be packed separately from all other goods, except when the shipment is too small to make this segregation practicable, in which case the exporter should list separately in the application for export license the other articles which are being included in the package.

§ 201.21 *Licenses for shipments by parcel post.* Export and import licenses for arms, ammunition, and implements of war which are shipped by parcel post must be presented to the postmaster at the post office at which the parcel is mailed or received.

§ 201.22 *Articles in transit through the territory of the United States.* Arms, ammunition, and implements of war entering or leaving a port of the United States, in transit through the territory of the United States to a foreign country, will not be considered as imported or exported within the meaning of section 12 of the joint resolution if such articles are consigned from any place in a state whose territory is contiguous to that of the United States to any other place in the same state.

§ 201.23 *Application for export or import licenses on behalf of persons who are not required to register.* Persons who are registered as exporters or importers of arms, ammunition, or implements of war under section 12 of the joint resolution may make application for export or import licenses on behalf of persons who are not required to register under the joint resolu-

tion but who may, in accordance with the provisions of § 201.8 of this part, desire to make or receive occasional shipments of arms, ammunition, or implements of war.

§ 201.24 *Arms more than 100 years old.* Arms, ammunition, and implements of war which are more than 100 years old will not be considered as arms, ammunition, or implements of war within the meaning of section 12 of the joint resolution. Evidence in support of exemptions claimed hereunder should be submitted to the collector of customs at the port of entry or exit, as the case may be.

§ 201.25 *Arms for the individual use of the person to whom consigned.* Rifles, carbines, revolvers, and pistols entering the United States in single units for the individual use of the person to whom consigned will not be considered as imported within the meaning of section 12 of the joint resolution. (This does not relieve the consignee from the obligation to comply with such of the regulations prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, under the National Firearms Act and the Federal Firearms Act, referred to in § 201.9, as may be applicable in the premises.)

§ 201.26 *Arms for sporting or scientific purposes; arms carried on person or in baggage.* Arms and ammunition which enter or leave the United States on the person of an individual or in his baggage, and which are intended exclusively for the personal use of that individual for sporting or scientific purposes or for personal protection, will not be considered as imported or exported within the meaning of section 12 of the joint resolution. The individual on whose person or in whose baggage the arms or ammunition or both are being carried must, however, declare the arms or ammunition or both to the collector of customs at the port of exit or entry and, before exit from the United States or entry into the United States is made, establish to the satisfaction of the collector that the arms or ammunition or both are in fact intended exclusively for the personal use of the individual in question for sporting or scientific purposes or for personal protection. No more than 3 arms and no more than 500 cartridges shall in any case be carried from or into the United States by

an individual under the provisions of this section without an export or import license having been obtained.

§ 201.27 *Arms, ammunition, etc., intended for official use.* Arms, ammunition, and implements of war intended for the official use of or consumption by an agent or agency of the Government of the United States, or which are to be used or consumed under the direction of such agent or agency of the Government, may be exported or imported without license when consigned to an agent or agency of the Government in the case of imports and when consigned by an agent or agency of the Government in the case of exports.

§ 201.28 *Arms returned to the United States worn or damaged.* Arms and implements of war which have been legally exported from the United States, and which are returned to the United States worn or damaged for repair and reexport, will not be considered as imported within the meaning of section 12 of the joint resolution. An export license must be obtained, however, before such articles are reexported. Evidence in support of exemptions claimed hereunder should be submitted to the collector of customs at the port of entry.

§ 201.29 *Articles removed from and to contiguous territory for testing.* Articles constituting arms, ammunition, and implements of war manufactured for the account of the United States or of a contiguous state, in the United States or a contiguous state, which may enter or leave the United States for testing purposes and are to be returned to the state in which manufactured, shall not be deemed to be exported or imported within the meaning of section 12 of the joint resolution approved November 4, 1939. Satisfactory evidence must be submitted to the collector of customs at the appropriate port that the articles are being transferred for the purpose of testing and will be returned to the country of origin. If any article otherwise requiring an import or export license is added during such temporary sojourn and returned with the *matériel* being tested, such added article requires an import or export license as usual.

§ 201.30 *Lend-lease shipments.* Arms, ammunition, and implements of war transferred as *defense aid* under section 3 of the act of March 11, 1941 (55 Stat. 31; 22 U.S.C. Sup. 412) are ex-

empt from the licensing requirements of section 12 of the joint resolution.

§ 201.31 *Certain component parts requiring license.* Licenses are required under the provisions of section 12 of the joint resolution for the exportation or importation of only those articles which are specifically mentioned in the President's Proclamation 2549 of April 9, 1942. Such licenses are not required for the exportation or importation of the component parts of the articles or units enumerated in that proclamation, except in cases where the exportation or importation of such parts may reasonably be considered as involving, in fact, the exportation or importation of a substantially complete article or unit in unassembled form. Aircraft wheels and aircraft propeller blades are, however, considered as constituting to such an unusual degree the main body of aircraft under-carriage units and aircraft propellers that a license is required for the exportation or the importation of wheels and propeller blades, even when they are shipped alone.

§ 201.32 *Articles under category I (5) filled with non-lethal gas or fluid.* While a license is required for the exportation of all articles listed in subsection (5) of category I of the President's Proclamation 2549 of April 9, 1942 which are intended or adapted for military purposes, the fact that such an article, when exported, is filled with a non-lethal gas or fluid having a common non-military use will be considered as *prima facie* evidence that the article is not intended for military purposes. Licenses issued under the provisions of section 12 of the joint resolution are not required for the exportation of articles listed under subsection (5), even when exported empty, if they are adapted or intended solely for non-military use. Articles listed in subsection (5) will be considered *ipso facto* as intended or adapted for military purposes unless, when exported, they either contain a non-lethal gas or fluid or can be proven to be adapted and intended solely for a specific non-military use.

§ 201.33 "*Propellant powders*", "*potassium nitrate powders*", "*sodium nitrate powders*". The terms "*propellant powders*", as used in subsection (1) of category VII of the President's Proclamation 2549 of April 9, 1942, and "*potassium nitrate powders*" and "*sodium nitrate powders*", as used in subsection (2) of the

same category, apply to those powders in bulk. They do not apply to such powders when enclosed in cartridges of types not enumerated in the proclamation, in pyrotechnics, in safety fuse, or in other similar devices. Licenses issued under the provisions of section 12 of the joint resolution will not, therefore, be required for the exportation or importation of such cartridges or devices, even though they may contain one of these powders.

§ 201.34 Aircraft flown or shipped from the United States for a temporary sojourn abroad. Aircraft flown or shipped from the United States for a temporary sojourn abroad, of not to exceed 6 months' duration, will not be considered as exported within the meaning of section 12 of the joint resolution when it is the intention of their owners that they shall remain under United States registry and shall be operated by a United States licensed pilot (except in demonstration flights) during the entire period of their sojourn abroad and when, further, there is no intention on the part of their owners to dispose of them or of any of their essential parts listed in the President's Proclamation 2549 of April 9, 1942, in any foreign country. It should be noted that the United States registry of an aircraft which is sold to an alien either in the United States or abroad is canceled automatically at the time of the sale under the Civil Air Regulations of the Civil Aeronautics Board. Should the owners, after the departure of an aircraft flown or shipped from the United States without an export license, propose to place the aircraft under foreign registry, or to have it operated by a pilot not holding a United States license (except during demonstration flights), or to dispose of an aircraft, or any of the essential parts referred to, in any foreign country, the aircraft, or the part in question, must be returned to the United States and a license obtained for its exportation to the country concerned. Aircraft of United States registry returning to the United States from foreign countries will not be considered as imported within the meaning of section 12 of the joint resolution. Aircraft of foreign registry entering the United States for a temporary sojourn, or leaving the United States after such a sojourn, will not be considered as imported or exported within the meaning of section 12 of the joint resolution.

§ 201.35 *Customs clearance for aircraft.* Aircraft flown or shipped for temporary sojourn under the provisions of § 201.34 shall not be so flown or shipped until customs clearance has been obtained. Evidence in support of claim for exemption from the requirement of an import or export license should be submitted to the appropriate collector of customs. Aircraft flown into the United States should be cleared through the customs authorities at the airport of entry where first landing is made or at such other airport or base where advance permission to land has been obtained from the Commissioner of Customs. In case of forced landings of aircraft arriving in the United States, clearance should be obtained at the port of entry or customhouse nearest to the place where such forced landing is made. Aircraft flown out of the United States should be cleared through the customs authorities at the customs port of entry nearest to the place of departure, or at the airport of departure if such airport has been designated as an airport of entry. Before an aircraft of United States registry leaves the United States for a temporary sojourn abroad, the customs authorities at the port of exit through which the aircraft is cleared should be informed of the approximate date of return of the aircraft and the port of entry through which it is proposed to return the aircraft to the United States. Persons planning to make flights outside the United States are advised, moreover, to communicate with the Civil Aeronautics Board with regard to its requirements. The requirements set forth herein have no application to civil aircraft operated by commercial airlines on regular schedules between the United States and foreign countries under certificates of public convenience and necessity or foreign air-carrier permits issued by the Civil Aeronautics Board. The provisions of this paragraph shall be considered as binding in addition to, and not in lieu of, the customs regulations.

§ 201.36 *Records of manufacture, exportation, and importation.* The Secretary of State prescribes that all persons required to register under section 12 of the joint resolution approved November 4, 1939 shall maintain, subject to the inspection of the duly authorized agents of the Secretary of State or of any

other enforcement agency of the Government of the United States and distinct from all other records, special permanent records in which shall be recorded the amounts and estimated values of the arms, ammunition, and implements of war manufactured by them for export, and similar records of all arms, ammunition, and implements of war imported or exported by them. The records of articles imported shall, in addition, contain information as to the consignors of articles imported and the port of origin of each shipment. The records of articles exported shall, in addition, contain information as to the consignees and the destination of each shipment.

§ 201.37 *Exportation of arms to China, Honduras, and Nicaragua.* The Secretary of State will permit the exportation to China, Honduras, and Nicaragua of the arms, ammunition, and implements of war listed in the President's Proclamation 2549 of April 9, 1942, only when the Department of State has been informed by the Chinese Embassy in Washington, the Honduran Legation in Washington, or the Nicaraguan Legation in Washington, as the case may be, that it is the desire of the government of the country into which the arms, ammunition, or implements of war are to be imported, that the exportation of the shipment be authorized. (§§ 1 and 2 of the joint resolution approved Jan. 31, 1922, 42 Stat. 361; 22 U.S.C. 409, 410;⁶ and Proclamations 1621, Mar. 4, 1922, 42 Stat. 2264,⁷ 1689, Mar. 22, 1924, 43 Stat. 1942;⁸ 1783, Sept. 15, 1926, 44 Stat. 2625.⁹

§ 201.38 *Exportation of arms to Cuba.* Article II of the convention between the United States and Cuba to suppress smuggling, signed at Habana March 11, 1926, reads in part as follows (Treaty Series 739; 44 Stat. 2403):

The High Contracting Parties agree that clearance of shipments of merchandise by water, air, or land, from any of the ports of either country to a port of entry of the other country, shall be denied when such shipment comprises articles the importation of which is prohibited or restricted in the country to which such shipment is destined, unless in this last case there has been a compliance with the requisites demanded by the laws of both countries.

⁶ For text, see appendix, *post*, p. 39.

⁷ For text, see appendix, *post*, p. 40.

⁸ For text, see appendix, *post*, p. 42.

⁹ For text, see appendix, *post*, p. 44.

In order to carry out the above-mentioned treaty obligations with Cuba, the Secretary of State will permit the exportation to Cuba of the arms, ammunition, and implements of war listed in the President's Proclamation 2549 of April 9, 1942, only when applications for license to export these articles and materials bear the stamp of approval of the Cuban Embassy in Washington. (§§ 1 and 2 of the joint resolution approved Jan. 31, 1922, 42 Stat. 361; 22 U.S.C. 409, 410; art. II, Convention, Mar. 11, 1926, 44 Stat. 2403; and Proclamation 2089, June 29, 1934, 49 Stat. 3399.¹⁰)

§ 201.39 *Exporter to present convincing evidence of destination.* In the case of shipments of arms, ammunition, or implements of war from the United States not ostensibly destined to China, Cuba, Honduras, or Nicaragua, the Secretary of State may require exporters to present convincing evidence that they are not destined to any of those countries and may refuse to issue an export license for the same until such convincing evidence has been presented to him. (§§ 1 and 2 of the joint resolution approved Jan. 31, 1922, 42 Stat. 361; 22 U.S.C. 409, 410; and Proclamations 1621, Mar. 4, 1922, 42 Stat. 2264; 1689, Mar. 22, 1924, 43 Stat. 1942; 1783, Sept. 15, 1926, 44 Stat. 2625.)

§ 201.40 *Responsibility for notification.* The bringing about of notification to the Department of State through the appropriate embassy or legation, when required under any regulation in this part, that the government of an importing state desires that the exportation of a shipment be authorized, is a matter with regard to which the initiative and responsibility lie with the importing government and the potential shipper.

¹⁰ For text, see appendix, *post*, p. 46.

REGULATIONS REGARDING THE EXPORTATION OF HELIUM GAS

PART 202—EXPORTATION OF HELIUM GAS¹

Pursuant to the authority vested in the Secretary of State by section 12 of the joint resolution approved November 4, 1939 (54 Stat. 10; 22 U.S.C. 452)² and section 4 of the act of September 1, 1937 (50 Stat. 887; 50 U.S.C. 165),³ the regulations governing the exportation of helium gas, heretofore promulgated by him, are hereby superseded by the following regulations.

SEC.

- 202.1 Definition of "helium".
- 202.2 Applications for license to export.
- 202.3 Exportation for medical, scientific, and commercial use.
- 202.4 Quantities not of military importance.
- 202.5 Evidence of purposes for which helium is to be used.
- 202.6 Evidence of safeguards against waste.
- 202.7 Succeeding applications for license: requirement of evidence of disposal of previous amounts exported.
- 202.8 Prohibition on further shipments to countries specified by proclamation.
- 202.9 Licenses: transfer and validity.
- 202.10 Licenses: alterations.
- 202.11 Licenses: return.
- 202.12 Country named must be ultimate destination.
- 202.13 Shipper's export declaration.
- 202.14 Filing of licenses and declarations with collector of customs.
- 202.15 Parcel-post shipment.
- 202.16 Helium to be used in American aircraft temporarily abroad.
- 202.17 Lend-lease shipments.

§ 202.1 *Definition of "helium".* Wherever the word "helium" is used in this part, it shall be understood to mean "contained helium" at standard atmospheric pressure (14.7 pounds per square inch) and 70° Fahrenheit. The expression "con-

¹ As set forth under tit. 22, ch. I, subch. D, of the Code of Federal Regulations.

² For text, see appendix, *post*, p. 31.

³ For text, see appendix, *post*, p. 48.

tained helium" means the actual quantity of the element helium (i. e. 100 percent pure helium) present in a mixture of helium and other gases. Purity determinations shall be made by usually recognized methods.

§ 202.2 *Applications for license to export.* Applications for license to export helium gas shall be submitted to the Secretary of State on forms which will be furnished by him on request. Each application must be signed and sworn to (or affirmed) in the presence of a notary public before it is transmitted to the Secretary of State. All applications must be submitted in duplicate.

§ 202.3 *Exportation for medical, scientific, and commercial use.* Licenses authorizing export shipments of helium gas for medical, scientific, and commercial use will be issued by the Secretary of State for quantities not to exceed, during any one year, to the ultimate consignees or purchasers within any one country, 500,000 cubic feet.

§ 202.4 *Quantities not of military importance.* Quantities of helium gas that are not of military importance, within the meaning of the term as used in section 4 of the act of September 1, 1937, are defined to be quantities of helium gas not exceeding 500,000 cubic feet.

§ 202.5 *Evidence of purposes for which helium is to be used.* Applicants for license to export helium gas under § 202.3 may be required to submit with their applications evidence to show that the helium gas to be exported will be used for only the purposes indicated therein and that subsequent disposition of the helium gas will not in any way violate provisions of the act of September 1, 1937, or regulations promulgated thereunder. The Secretary of State may refuse to issue a license if such evidence is not deemed sufficient.

§ 202.6 *Evidence of safeguards against waste.* All applications for license to export helium gas shall be accompanied by evidence to show that reasonable safeguards have been adopted to insure that there shall be no unnecessary waste of the helium gas desired.

§ 202.7 *Succeeding applications for license: requirement of evidence of disposal of previous amounts exported.* No license will be issued under this part to authorize the exportation of

helium gas to a foreign country if it appears that the issuance of such a license would permit the accumulation in that country of helium gas in quantities of military importance. The Secretary of State may, in the case of applicants who have already obtained one license, require that succeeding applications for license to export helium gas be accompanied by information indicating the manner of disposal of the helium gas exported under licenses preceding that applied for. No license will be issued under this part if the amount of helium gas authorized for export under such license, taken in conjunction with the amount of helium gas already accumulated within the country of destination and any further amount already licensed for export to such country but not actually delivered, would be in excess of 500,000 cubic feet.

§ 202.8 *Prohibition on further shipments to countries specified by proclamation.* Licenses which have been issued under this part authorizing the exportation of helium gas to a country to which the exportation of helium gas subsequently may be prohibited by a presidential proclamation shall automatically become null and void and further shipment thereunder shall be considered in violation of this part.

§ 202.9 *Licenses: transfer and validity.* Licenses authorizing the exportation of helium gas are not transferable and are subject to revocation without notice. If not revoked, such licenses are valid until the date of expiration indicated on the face thereof.

§ 202.10 *Licenses: alterations.* No alterations may be made except by the Department of State, or by collectors of customs or postmasters acting under the specific instructions of the Department of State, in licenses which have been issued under the seal of the Department of State.

§ 202.11 *Licenses: return.* Licenses which have been revoked or which have expired must be returned immediately to the Secretary of State.

§ 202.12 *Country named must be ultimate destination.* The country of destination and the consignee named in the application for license to export helium gas must, in each case, be the country of ultimate destination and the ultimate consignee, respectively.

§ 202.13 *Shipper's export declaration.* The shipper's export declaration (customs form 7525) or such other document as the Bureau of Customs may require must contain the same information in regard to the quantity and value of the helium gas as that which appears on the application for license. If the person designated on the export declaration as the actual shipper of the goods is not the person to whom the export license has been issued by the Secretary of State, the name of this shipper should appear on the export license as that of the consignor in the United States.

§ 202.14 *Filing of licenses and declarations with collector of customs.* The originals of licenses authorizing the exportation of helium gas must be presented to the collector of customs at the port through which the shipment authorized by the license is being made. Export licenses and export declarations, or other documents required by the Bureau of Customs, concerning helium gas must be filed with the appropriate collector of customs at least 24 hours before the proposed departure of the shipment from the United States, and, in the case of a shipment by a seagoing vessel, 24 hours before the lading of the vessel.

§ 202.15 *Parcel-post shipment.* Licenses authorizing the exportation of helium gas which is being shipped by parcel post must be presented to the postmaster at the post office at which the parcel is mailed.

§ 202.16 *Helium to be used in American aircraft temporarily abroad.* Helium gas leaving the United States when used for or intended for the inflation of an aircraft under American registry will not be considered as exported within the meaning of section 4 of the act of September 1, 1937 when it is the intention of the owner of the aircraft that it shall remain under American registry and shall be commanded by a duly certified United States airman during the entire period of its sojourn abroad, and when there is no intention on the part of the owner of the aircraft to dispose of the helium gas in any foreign country.

§ 202.17 *Lend-lease shipments.* Helium gas transferred as defense aid under section 3 of the act of March 11, 1941 (55 Stat. 31; 22 U.S.C. Sup. 412) is exempt from the licensing requirements of section 4 of the act of September 1, 1937.

REGULATIONS REGARDING THE EXPORTATION OF TIN-PLATE SCRAP

PART 203—EXPORTATION OF TIN-PLATE SCRAP¹

Pursuant to the authority vested in the Secretary of State by section 12 of the joint resolution approved November 4, 1939 (54 Stat. 10; 22 U. S. C. 452),² section 2 of the act of February 15, 1936 (49 Stat. 1140; 50 U. S. C. 87),³ and Executive Order 7297 of February 16, 1936,⁴ the regulations governing the exportation of tin-plate scrap heretofore promulgated by him are hereby superseded by the following regulations.

SEC.

- 203.1 Definition of "tin-plate scrap".
- 203.2 Forms of application.
- 203.3 Export licenses.
- 203.4 Shipper's export declaration.
- 203.5 Filing of export licenses and declarations.
- 203.6 Lend-lease shipments.

§ 203.1 *Definition of "tin-plate scrap".* For the purpose of the regulations in this part the term "tin-plate scrap" is construed, provisionally, to mean tin-plate clippings, cuttings, stampings, trimmings, skeleton sheets, and all other miscellaneous pieces of discarded tin plate, which result from (a) the manufacture of tin plate, or (b) the manufacture of tin-bearing articles from tin plate. As thus defined the term "tin-plate scrap" does not include tin-plate-waste waste, tin-plate circles, tin-plate strips, tin-plate cobbles, and tin-plate scroll shear butts, when packed separately and sold as such, and when not intermingled with tin-plate scrap.

§ 203.2 *Forms of application.* Blank forms of application for export licenses will be furnished by the Secretary of State on request.

¹As set forth under tit. 22, ch. I, subch. D. of the Code of Federal Regulations.

²For text, see appendix, *post*, p. 31.

³For text, see appendix, *post*, p. 50.

⁴For text, see appendix, *post*, p. 51.

§ 203.3 *Export licenses.* The Secretary of State will issue export licenses to cover proposed shipments of tin-plate scrap to applicants who have duly filled out the above-mentioned form when, in the opinion of the National Munitions Control Board, the issuance of such licenses may be consistent with the purposes of the act. Copies of the statement of the procedure adopted by the Board to govern the issuance of licenses may be obtained from the Secretary of State.

§ 203.4 *Shipper's export declaration.* The shipper's export declaration (customs form 7525) must contain the same information in regard to the nature and the value of the tin-plate scrap to be exported as that which appears on the application for license.

§ 203.5 *Filing of export licenses and declarations.* Export licenses and export declarations covering tin-plate scrap must be filed with the appropriate collector of customs at least 24 hours before the proposed departure of the shipment from the United States, and, in the case of a shipment by a seagoing vessel, 24 hours before the lading of the vessel.

§ 203.6 *Lend-lease shipments.* Tin-plate scrap transferred as *defense aid* under section 3 of the act of March 11, 1941 (55 Stat. 31; 22 U. S. C. Sup. 412) is exempt from the licensing requirements of this part.

REGULATIONS REGARDING THE EXPORTATION OF ARTICLES INVOLVING MILITARY SECRETS

PART 204—EXPORTATION OF ARTICLES INVOLVING MILITARY SECRETS¹

Pursuant to the authority vested in the Secretary of State by section 12 of the joint resolution approved November 4, 1939 (54 Stat. 10; 22 U.S.C. 452),² and in conformity with sections 1 and 2 of title I of the Espionage Act, approved June 15, 1917 (40 Stat. 217, 218; 50 U.S.C. 31, 32), section 2 of which reads in part as follows:

Whoever, with intent or reason to believe that it is to be used to the injury of the United States or to the advantage of a foreign nation, communicates, delivers, or transmits, or attempts to, or aids or induces another to, communicate, deliver, or transmit, to any foreign government, or to any faction or party or military or naval force within a foreign country, whether recognized or unrecognized by the United States, or to any representative, officer, agent, employee, subject, or citizen thereof, either directly or indirectly, any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, note, instrument, appliance, or information relating to the national defense, shall be punished by imprisonment for not more than twenty years . . .

the regulations governing the exportation of articles involving military secrets heretofore promulgated by him are hereby superseded by the following regulations.

SEC.

- 204.1 Prohibition on exportation of articles involving military secrets of interest to the national defense.
- 204.2 Articles contracted for by the War Department or the Navy Department.
- 204.3 Prospective exporters of arms, etc., to communicate with the Secretary of State in advance of shipment.

¹ As set forth in tit. 22, ch. I, subch. D, of the Code of Federal Regulations.

² For text, see appendix, *post*, p. 31.

§ 204.1 *Prohibition on exportation of articles involving military secrets of interest to the national defense.* A license will not be issued by the Secretary of State authorizing the exportation of any arms, ammunition, or implements of war considered by the Secretary of War or by the Secretary of the Navy as instruments or appliances included among the articles covered by those terms as used in sections 1 and 2, title I, of the Espionage Act if, in their opinion, they involve military secrets of interest to the national defense. The articles which may be so considered are articles falling within one of the following categories:

(a) Articles, the whole or any features of which have been or are being developed or manufactured by or for the War Department or the Navy Department or with the participation of either of those Departments; and

(b) Articles, the whole or any features of which have been used or are being used by the War Department or the Navy Department or which either Department has contracted to procure.

§ 204.2 *Articles contracted for by the War Department or the Navy Department.* Included among articles developed by or for the War Department or the Navy Department are articles the development of which has been contracted for by either of those Departments, or which have been developed in accordance with Army or Navy specifications and submitted to either Department for evaluation for procurement.

§ 204.3 *Prospective exporters of arms, etc., to communicate with the Secretary of State in advance of shipment.* Prospective exporters of articles falling within the categories set out in § 204.1 which may possibly involve military secrets of interest to the national defense, or persons desirous of transmitting abroad information concerning such articles, should communicate with the Secretary of State in advance of the proposed transaction in order that he may be in a position to ascertain for the interested person whether or not military secrets are, in fact, involved therein. The articles upon which a determination is requested should be designated clearly and specifically, the type and model designations being included. Where applicable, Army or Navy drawing numbers should be given, or detailed plans and specifications submitted.

APPENDIX

JOINT RESOLUTION APPROVED
NOVEMBER 4, 1939

SECTION 12¹

There is hereby established a National Munitions Control Board (hereinafter referred to as the "Board"). The Board shall consist of the Secretary of State, who shall be chairman and executive officer of the Board, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, and the Secretary of Commerce. Except as otherwise provided in this section, or by other law, the administration of this section is vested in the Secretary of State. The Secretary of State shall promulgate such rules and regulations with regard to the enforcement of this section as he may deem necessary to carry out its provisions. The Board shall be convened by the chairman and shall hold at least one meeting a year.

(b) Every person who engages in the business of manufacturing, exporting, or importing any arms, ammunition, or implements of war listed in a proclamation referred to in or issued under the authority of subsection (i) of this section, whether as an exporter, importer, manufacturer, or dealer, shall register with the Secretary of State his name, or business name, principal place of business, and places of business in the United States, and a list of the arms, ammunition, and implements of war which he manufactures, imports, or exports.

(c) Every person required to register under this section shall notify the Secretary of State of any change in the arms, ammunition, or implements of war which he exports, imports, or manufactures; and upon such notification the Secretary of State shall issue to such person an amended certificate of registration, free of charge, which shall remain valid until the date of expiration of the original certificate. Every person required to register under the provisions of this section shall pay a registration fee of \$100. Upon receipt of the required registration fee, the

¹ 54 Stat. 10; 22 U.S.C. 452.

Secretary of State shall issue a registration certificate valid for five years, which shall be renewable for further periods of five years upon the payment for each renewal of a fee of \$100; but valid certificates of registration (including amended certificates) issued under the authority of section 2 of the joint resolution of August 31, 1935, or section 5 of the joint resolution of August 31, 1935, as amended, shall, without payment of any additional registration fee, be considered to be valid certificates of registration issued under this subsection, and shall remain valid for the same period as if this joint resolution had not been enacted.

(d) It shall be unlawful for any person to export, or attempt to export, from the United States to any other state, any arms, ammunition, or implements of war listed in a proclamation referred to in or issued under the authority of subsection (i) of this section, or to import, or attempt to import, to the United States from any other state, any of the arms, ammunition, or implements of war listed in any such proclamation, without first having submitted to the Secretary of State the name of the purchaser and the terms of sale and having obtained a license therefor.

(e) All persons required to register under this section shall maintain, subject to the inspection of the Secretary of State, or any person or persons designated by him, such permanent records of manufacture for export, importation, and exportation of arms, ammunition, and implements of war as the Secretary of State shall prescribe.

(f) Licenses shall be issued by the Secretary of State to persons who have registered as herein provided for, except in cases of export or import licenses where the export of arms, ammunition, or implements of war would be in violation of this joint resolution or any other law of the United States, or of a treaty to which the United States is a party, in which cases such licenses shall not be issued; but a valid license issued under the authority of section 2 of the joint resolution of August 31, 1935, or section 5 of the joint resolution of August 31, 1935, as amended, shall be considered to be a valid license issued under this subsection, and shall remain valid for the same period as if this joint resolution had not been enacted.

(g) No purchase of arms, ammunition, or implements of war shall be made on behalf of the United States by any officer, executive department, or independent establishment of the Government from any person who shall have failed to register under the provisions of this joint resolution.

(h) The Board shall make a report to Congress on January 3 and July 3 of each year, copies of which shall be distributed as are other reports transmitted to Congress. Such reports shall contain such information and data collected by the Board as may be considered of value in the determination of questions connected with the control of trade in arms, ammunition, and implements of war, including the name of the purchaser and the terms of sale made under any such license. The Board shall include in such reports a list of all persons required to register under the provisions of this joint resolution, and full information concerning the licenses issued hereunder, including the name of the purchaser and the terms of sale made under any such license.²

(i) The President is hereby authorized to proclaim upon recommendation of the Board from time to time a list of articles which shall be considered arms, ammunition, and implements of war for the purposes of this section; but the proclamation Numbered 2237, of May 1, 1937 (50 Stat. 1834), defining the term "arms, ammunition, and implements of war" shall, until it is revoked, have full force and effect as if issued under the authority of this subsection.

SECTION 15³

In every case of the violation of any of the provisions of this joint resolution or of any rule or regulation issued pursuant thereto where a specific penalty is not herein provided, such violator or violators, upon conviction, shall be fined not more than \$10,000, or imprisoned not more than two years, or both.

² Section 12(h) was amended by S.J. Res. 124 approved Jan. 26, 1942. For text of amendment, see p. 34.

³ 54 Stat. 11.

SECTION 16⁴

For the purposes of this joint resolution—

(a) The term “United States”, when used in a geographical sense, includes the several States and Territories, the insular possessions of the United States (including the Philippine Islands), the Canal Zone, and the District of Columbia.

(b) The term “person” includes a partnership, company, association, or corporation, as well as a natural person.

(c) The term “vessel” means every description of watercraft and aircraft capable of being used as a means of transportation on, under, or over water.

(d) The term “American vessel” means any vessel documented, and any aircraft registered or licensed, under the laws of the United States.

(e) The term “state” shall include nation, government, and country.

(f) The term “citizen” shall include any individual owing allegiance to the United States, a partnership, company, or association composed in whole or in part of citizens of the United States, and any corporation organized and existing under the laws of the United States as defined in subsection (a) of this section.

AMENDMENT TO SECTION 12(h), APPROVED
JANUARY 26, 1942⁵

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That effective as of May 27, 1941, section 12 (h) of the Neutrality Act of 1939 (Public Resolution Numbered 54, Seventy-sixth Congress) is amended by adding at the end thereof the following new sentence: “Any reports required by this section may be omitted or dispensed with in the discretion of the Secretary of State during the existence of a state of war.”

Approved, January 26, 1942.

⁴ 54 Stat. 12.

⁵ Public Law 414, 77th Cong.; 56 Stat. 19.

PROCLAMATION 2549 OF APRIL 9, 1942¹

ENUMERATION OF ARMS, AMMUNITION, AND IMPLEMENTS OF WAR

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

WHEREAS section 12 (i) of the joint resolution of Congress approved November 4, 1939, entitled "Joint resolution to preserve the neutrality and the peace of the United States and to secure the safety of its citizens and their interests", provides in part as follows (54 Stat. 11; 22 U.S.C. 452 (i)):

"The President is hereby authorized to proclaim upon recommendation of the Board from time to time a list of articles which shall be considered arms, ammunition, and implements of war for the purposes of this section * * *

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority conferred upon me by the said joint resolution of Congress, and pursuant to the recommendation of the National Munitions Control Board, declare and proclaim that the articles listed below shall, on and after April 15, 1942, be considered arms, ammunition, and implements of war for the purposes of section 12 (i) of the said joint resolution of Congress:

Category I

- (1) Rifles and carbines using ammunition in excess of caliber .22, and barrels for those weapons;
- (2) Machine guns, automatic or autoloading rifles, and machine pistols using ammunition in excess of caliber .22, and barrels for those weapons; machine-gun mounts;
- (3) Guns, howitzers, and mortars of all calibers, their mountings and barrels;
- (4) Ammunition in excess of caliber .22 for the arms enumerated under (1), (2), and (3) above, and cartridge cases

or bullets for such ammunition; shells and projectiles, filled or unfilled, for the arms enumerated under (3) above;

(5) Grenades, bombs, torpedoes, mines and depth charges, filled or unfilled, and apparatus for their use or discharge;

(6) Tanks, military armored vehicles, and armored trains; armor plate and turrets for such vehicles.

Category II

Vessels of war of all kinds, including aircraft carriers and submarines, and armor plate and turrets for such vessels.

Category III

(1) Aircraft, unassembled, assembled, or dismantled, both heavier and lighter than air, which are designed, adapted, and intended for aerial combat by the use of machine guns or of artillery or for the carrying and dropping of bombs, or which are equipped with, or which by reason of design or construction are prepared for, any of the appliances referred to in paragraph (2) below;

(2) Aerial gun mounts and frames, bomb racks, torpedo carriers, and bomb-release or torpedo-release mechanisms; armor plate and turrets for military aircraft.

Category IV

(1) Revolvers and automatic pistols using ammunition in excess of caliber .22;

(2) Ammunition in excess of caliber .22 for the arms enumerated under (1) above, and cartridge cases or bullets for such ammunition.

Category V

(1) Aircraft, unassembled, assembled or dismantled, both heavier and lighter than air, other than those included in category III;

(2) Propellers or air-screws, fuselages, hulls, wings, tail units, and under-carriage units;

(3) Aircraft engines, unassembled, assembled, or dismantled.

Category VI

(1) Livens projectors, flame throwers, and fire-barrage projectors;

(2) a. Mustard gas (dichlorethyl sulphide);
 b. Lewisite (chlorvinyl dichlorarsine and dichlorodivinylchlorarsine);
 c. Methyldichlorarsine;
 d. Diphenylchlorarsine;
 e. Diphenylcyanarsine;
 f. Diphenylaminechlorarsine;
 g. Phenylchlorarsine;
 h. Ethyldichlorarsine;
 i. Phenylbromarsine;
 j. Ethyldibromarsine;
 k. Phosgene;
 l. Monochlormethylchlorformate;
 m. Trichlormethylchlorformate (diphosgene);
 n. Dichlordimethyl ether;
 o. Dibromdimethyl ether;
 p. Cyanogen chloride;
 q. Ethylbromacetate;
 r. Ethyliodoacetate;
 s. Brombenzylcyanide;
 t. Bromacetone;
 u. Brommethylethyl ketone.

Category VII

(1) Propellant powders;
 (2) High explosives as follows:
 a. Nitrocellulose having a nitrogen content of more than 12%;
 b. Trinitrotoluene;
 c. Trinitroxylene;
 d. Tetryl (trinitrophenol methyl nitramine or "tetranitro methylaniline");
 e. Picric acid;
 f. Ammonium picrate;
 g. Trinitroanisol;
 h. Trinitronaphthalene;
 i. Tetranitronaphthalene;
 j. Hexanitrodiphenylamine;
 k. Pentaerythritetranitrate (penthrite or pentrite);
 l. Trimethylenetrinitramine (hexogen or T_4);

- m. Potassium nitrate powders (black saltpeter powder);
- n. Sodium nitrate powders (black soda powder);
- o. Amatol (mixture of ammonium nitrate and trinitrotoluene);
- p. Ammonal (mixture of ammonium nitrate, trinitrotoluene, and powdered aluminum, with or without other ingredients);
- q. Schneiderite (mixture of ammonium nitrate and dinitronaphthalene, with or without other ingredients).

Effective April 15, 1942, this proclamation shall supersede Proclamation 2237, dated May 1, 1937, entitled "Enumeration of Arms, Ammunition, and Implements of War".

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this 9th day of April in the year of our Lord nineteen hundred and forty-two, and
[SEAL] of the Independence of the United States of America the one hundred and sixty-sixth.

FRANKLIN D ROOSEVELT

By the President:

SUMNER WELLES

Acting Secretary of State

**EXCERPT FROM JOINT RESOLUTION
APPROVED JANUARY 31, 1922¹**

. . . whenever the President finds that in any American country, or in any country in which the United States exercises extraterritorial jurisdiction, conditions of domestic violence exist, which are or may be promoted by the use of arms or munitions of war procured from the United States, and makes proclamation thereof, it shall be unlawful to export, except under such limitations and exceptions as the President prescribes, any arms or munitions of war from any place in the United States to such country until otherwise ordered by the President or by Congress.

SEC. 2. Whoever exports any arms or munitions of war in violation of section 1 shall, on conviction, be punished by fine not exceeding \$10,000, or by imprisonment not exceeding two years, or both.

¹ 42 Stat. 361; 22 U.S.C. 409, 410.

PROCLAMATION 1621 OF MARCH 4, 1922¹

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS, Section I of a Joint Resolution of Congress, entitled a "Joint Resolution To prohibit the exportation of arms or munitions of war from the United States to certain countries, and for other purposes," approved January 31, 1922, provides as follows:

"That whenever the President finds that in any American country, or in any country in which the United States exercises extraterritorial jurisdiction, conditions of domestic violence exist, which are or may be promoted by the use of arms or munitions of war procured from the United States, and makes proclamation thereof, it shall be unlawful to export, except under such limitations and exceptions as the President prescribes, any arms or munitions of war from any place in the United States to such country until otherwise ordered by the President or by Congress."

And whereas, it is provided by Section II of the said Joint Resolution that "Whoever exports any arms or munitions of war in violation of section I shall on conviction, be punished by fine not exceeding \$10,000, or by imprisonment not exceeding two years, or both."

Now, therefore, I, Warren G. Harding, President of the United States of America, acting under and by virtue of the authority conferred in me by the said Joint Resolution of Congress, do hereby declare and proclaim that I have found that there exist in China such conditions of domestic violence which are or may be promoted by the use of arms or munitions of war procured from the United States as contemplated by the said Joint Resolution; and I do hereby admonish all citizens of the United States and every person to abstain from every

¹ 42 Stat. 2264.

violation of the provisions of the Joint Resolution above set forth, hereby made applicable to China, and I do hereby warn them that all violations of such provisions will be rigorously prosecuted.

And I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said Joint Resolution and this my Proclamation issued thereunder, and in bringing to trial and punishment any offenders against the same.

And I do hereby delegate to the Secretary of State the Power of prescribing exceptions and limitations to the application of the said Joint Resolution of January 31, 1922, as made effective by this my Proclamation issued thereunder.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this fourth day of March
in the year of our Lord one thousand nine hundred
[SEAL] and twenty-two and of the Independence of the United
States of America the one hundred and forty-sixth.

WARREN G HARDING

By the President:

HENRY P. FLETCHER

Acting Secretary of State.

PROCLAMATION 1689 OF MARCH 22, 1924¹
BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION.

WHEREAS, Section I of a Joint Resolution of Congress, entitled a "Joint Resolution to Prohibit the Exportation of Arms or Munitions of War from the United States to Certain Countries, and for other Purposes", approved January 31, 1922, provides as follows:

"That whenever the President finds that in any American country, or in any country in which the United States exercises extraterritorial jurisdiction, conditions of domestic violence exist, which are or may be promoted by the use of arms or munitions of war procured from the United States, and makes proclamation thereof, it shall be unlawful to export, except under such limitations and exceptions as the President prescribes, any arms or munitions of war from any place in the United States to such country until otherwise ordered by the President or by Congress."

And whereas, it is provided by Section II of the said Joint Resolution that "Whoever exports any arms or munitions of war in violation of section I shall on conviction be punished by fine not exceeding \$10,000, or by imprisonment not exceeding two years, or both."

Now, therefore, I, Calvin Coolidge, President of the United States of America, acting under and by virtue of the authority conferred in me by the said Joint Resolution of Congress, do hereby declare and proclaim that I have found that there exists in Honduras such conditions of domestic violence which are or may be promoted by the use of arms or munitions of war procured from the United States as contemplated by the said Joint Resolution; and I do hereby admonish all citizens of the United States and every person to abstain from every violation of the provisions of the Joint Resolution above set forth, hereby

¹ 43 Stat. 1942.

made applicable to Honduras, and I do hereby warn them that all violations of such provisions will be rigorously prosecuted.

And I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said Joint Resolution and this my Proclamation issued thereunder, and in bringing to trial and punishment any offenders against the same.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this twenty-second day of March in the year of our Lord one thousand nine [SEAL] hundred and twenty-four and of the Independence of the United States of America the one hundred and forty-eighth.

CALVIN COOLIDGE

By the President:

CHARLES E. HUGHES

Secretary of State.

PROCLAMATION 1783 OF SEPTEMBER 15, 1926¹

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION.

Whereas, Section I of a Joint Resolution of Congress, entitled a "Joint Resolution to Prohibit the Exportation of Arms or Munitions of War from the United States to Certain Countries, and for other Purposes", approved January 31, 1922, provides as follows:

"That whenever the President finds that in any American country, or in any country in which the United States exercises extraterritorial jurisdiction, conditions of domestic violence exist, which are or may be promoted by the use of arms or munitions of war procured from the United States, and makes proclamation thereof, it shall be unlawful to export, except under such limitations and exceptions as the President prescribes, any arms or munitions of war from any place in the United States to such country until otherwise ordered by the President or by Congress."

And whereas, it is provided by Section II of the said Joint Resolution that "Whoever exports any arms or munitions of war in violation of section I shall on conviction be punished by fine not exceeding \$10,000, or by imprisonment not exceeding two years, or both."

Now, therefore, I, Calvin Coolidge, President of the United States of America, acting under and by virtue of the authority conferred in me by the said Joint Resolution of Congress, do hereby declare and proclaim that I have found that there exist in Nicaragua such conditions of domestic violence which are or may be promoted by the use of arms or munitions of war procured from the United States as contemplated by the said Joint Resolution; and I do hereby admonish all citizens of the United States and every person to abstain from every violation of the provisions of the Joint Resolution above set forth, hereby

¹ 44 Stat. 2625.

made applicable to Nicaragua, and I do hereby warn them that all violations of such provisions will be rigorously prosecuted.

And I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said Joint Resolution and this my Proclamation issued thereunder, and in bringing to trial and punishment any offenders against the same.

And I do hereby delegate to the Secretary of State the power of prescribing exceptions and limitations to the application of the said Joint Resolution of January 31, 1922, as made effective by this my Proclamation issued thereunder.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 15th day of September in the year of our Lord one thousand nine [SEAL] hundred and twenty-six and of the Independence of the United States of America the one hundred and fifty-first.

CALVIN COOLIDGE

By the President:

FRANK B KELLOGG

Secretary of State.

PROCLAMATION 2089 OF JUNE 29, 1934¹

**EXPORTATION OF ARMS OR MUNITIONS OF WAR TO CUBA
UNLAWFUL**

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS section I of a joint resolution of Congress, entitled "Joint Resolution To prohibit the exportation of arms or munitions of war from the United States to certain countries, and for other purposes", approved January 31, 1922, provides as follows:

"That whenever the President finds that in any American country, or in any country in which the United States exercises extraterritorial jurisdiction, conditions of domestic violence exist, which are or may be promoted by the use of arms or munitions of war procured from the United States, and makes proclamation thereof, it shall be unlawful to export, except under such limitations and exceptions as the President prescribes, any arms or munitions of war from any place in the United States to such country until otherwise ordered by the President or by Congress.";

AND WHEREAS it is provided by section II of the said joint resolution that—

"Whoever exports any arms or munitions of war in violation of section I shall, on conviction, be punished by fine not exceeding \$10,000, or by imprisonment not exceeding two years, or both.";

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority conferred in me by the said joint resolution of Congress, do hereby declare and proclaim that I have found that there exist in Cuba such conditions of domestic

¹ 49 Stat. 3399.

violence which are or may be promoted by the use of arms or munitions of war procured from the United States as contemplated by the said joint resolution; and I do hereby admonish all citizens of the United States and every person to abstain from every violation of the provisions of the joint resolution above set forth, hereby made applicable to Cuba, and I do hereby warn them that all violations of such provisions will be rigorously prosecuted.

And I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said joint resolution and this my proclamation issued thereunder, and in bringing to trial and punishment any offenders against the same.

And I do hereby delegate to the Secretary of State the power of prescribing exceptions and limitations to the application of the said joint resolution of January 31, 1922, as made effective by this my proclamation issued thereunder.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this twenty-ninth day of June, in the year of our Lord nineteen hundred and [SEAL] thirty-four, and of the Independence of the United States of America the one hundred and fifty-eighth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

Secretary of State.

EXCERPTS FROM ACT OF SEPTEMBER 1, 1937 (HELIUM ACT)

SECTION 3¹

(b) That helium not needed for Government use may be produced and sold upon payment in advance in quantities and under regulations approved by the President, for medical, scientific, and commercial use, except that helium may be sold for the inflation of only such airships as operate in or between the United States and its Territories and possessions, or between the United States or its territories and possessions and foreign countries: *Provided*, That no helium shall be sold for the inflation of any airship operating between two foreign countries notwithstanding such airship may also touch at some point in the United States . . .

SECTION 4²

No helium gas shall be exported from the United States, or from its Territories and possessions, until after application has been made to the Secretary of State and a license authorizing said exportation has been obtained from him on the joint recommendation of all of the members of the National Munitions Control Board and the Secretary of the Interior: *Provided*, That under regulations governing exportation of helium approved by the National Munitions Control Board and the Secretary of the Interior, export shipments of quantities of helium that are not of military importance as defined in said regulations, and which do not exceed a maximum to be specified therein, may be made under license granted by the Secretary of State without such specific recommendation. Such regulations shall not permit accumulations of helium in quantities of military importance in any foreign country, nor the exportation of helium to countries named in proclamations of the President

¹ 50 Stat. 886.

² 50 Stat. 887; 50 U.S.C. 165.

issued pursuant to section 1 (a) or (c) of the Neutrality Act of May 1, 1937 (Public Resolution Numbered 27 of the Seventy-fifth Congress)³ while such proclamations are in effect, and shall require exporters to submit a sworn statement to the Secretary of State showing the quantity, destination, consignee, and intended use of each proposed exportation.

Any person violating any of the provisions of this section or of the regulations made pursuant hereto, shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$5,000 or by imprisonment for not more than one year, or by both such fine and imprisonment; and the Federal courts of the United States are hereby granted jurisdiction to try and determine all questions arising under this section.

The National Munitions Control Board shall include in its Annual Report⁴ to the Congress full information concerning the licenses issued hereunder, together with such information and data collected by the Board as may be considered of value in the determination of questions related to the exportation of helium gas.

³ Repealed Nov. 4, 1939.

⁴ See amendment to sec. 12(h) of the joint resolution of Nov. 4, 1939, p. 34.

ACT OF FEBRUARY 15, 1936 TO PROVIDE FOR THE PROTECTION AND PRESERVATION OF DOMESTIC SOURCES OF TIN¹

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the interest of national defense, it is hereby declared to be the policy of Congress and the purpose and intent of this Act to protect, preserve, and develop domestic sources of tin, to restrain the depletion of domestic reserves of tin-bearing materials, and to lessen the present costly and dangerously dependent position of the United States with respect to resources of tin.

SEC. 2. There shall not be exported from the United States after the expiration of sixty days from the enactment of this Act any tin-plate scrap, except upon license issued by the President of the United States. The President is authorized to grant licenses upon such conditions and regulations as he may find necessary to assure in the public interest fair and equitable consideration to all producers of this commodity.

SEC. 3. Any violations of the provisions of this Act shall be a misdemeanor and shall be punished by a fine of not more than \$500 or by imprisonment of not more than one year, or by both such fine and imprisonment.

Approved, February 15, 1936.

¹ 49 Stat. 1140.

EXECUTIVE ORDER 7297 OF FEBRUARY 16, 1936

TO PROVIDE FOR THE PROTECTION AND PRESERVATION OF THE DOMESTIC SOURCES OF TIN

WHEREAS section 2 of an act of Congress approved February 15, 1936, entitled "AN ACT To provide for the protection and preservation of the domestic sources of tin," provides:

"There shall not be exported from the United States after the expiration of sixty days from the enactment of this Act any tin-plate scrap, except upon license issued by the President of the United States. The President is authorized to grant licenses upon such conditions and regulations as he may find necessary to assure in the public interest fair and equitable consideration to all producers of this commodity."

Now, THEREFORE, I, FRANKLIN DELANO ROOSEVELT, President of the United States, acting under and by virtue of the authority vested in me by the aforesaid act, do hereby delegate to the Secretary of State as Chairman of the National Munitions Control Board the power to grant licenses for the exportation of tin-plate scrap upon such conditions and under such regulations as he may find necessary to assure in the public interest fair and equitable consideration to all producers of this commodity, and as he may prescribe by and with the advice and consent of the Board.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
February 16, 1936.

¹ Original document on file in The National Archives.



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